

Appl. No. : 10/601,093
Filed : June 20, 2003

REMARKS

By way of summary, Claims 1-20 were originally filed in the present application. In an Amendment filed on March 23, 2005, Claims 21-25 were added. In an Amendment filed on November 10, 2005, Claim 26 was added. Claim 18 is amended herein to put this claim in better form for examination. The amendment to Claim 18 is not related to patentability. Thus, Claims 1-26 remain pending in the present application.

Amendments to the specification and claims set forth above include markings to show the changes by way of the present amendment, deletions being in strikeout (e.g., ~~strikeout~~) and additions being underlined (e.g., underlined).

Amendment to the Specification

Applicants have amended paragraphs [0035] and [0036], in the application as filed, of the specification to correct minor typographical errors. No new matter has been added by the present amendment to the specification.

Allowable Claims

Applicants acknowledge with appreciation that Claims 12-17 and 24-25 were deemed allowable by the Examiner.

Claims 1-3, 5, 7, 9-11, and 18-22 Are Allowable Over Cook In View of Metheny

Claims 1-3, 5, 7, 9-11, and 18-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,308,966 issued to Cook et al. ("Cook") in view of U.S. Patent No. 5,040,818 issued to Metheny ("Metheny"). Applicants respectfully disagree with the characterization of the references set forth in the Office Action and with the rejection of the presently pending claims. Accordingly, Applicants respectfully submit that the presently pending claims are patentable over Cook in view of Metheny as discussed in detail below.

Claims 1-3, 5, 7, and 9-11

Claim 1 recites:

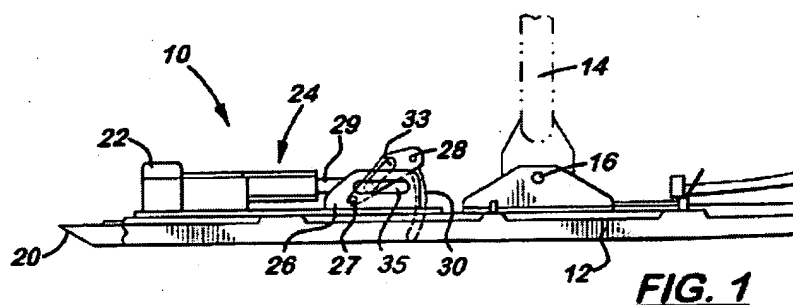
A ski for a snow vehicle, the ski comprising a ski body having a generally horizontal bottom surface that contacts the snow when the ski is in use, a ski mounting bracket located on a top side of the ski body, the ski mounting bracket

defining at least in part a pivot point where the ski is attached to the snow vehicle, a wear bar disposed on the bottom side of the ski body, and *at least one glide member also disposed on the bottom side of the ski member*, the glide member being positioned at least as low as the lowest most part of the wear bar, the glide member being wider than a portion of the wear bar next to the glide member, the entire glide member being disposed either forward or rearward of the bracket pivot point.

The cited references, either individually or in combination, do not teach or suggest the unique combination of limitations recited by Claim 1. Claim 1 recites, among other things, that the glide member is *disposed* on the bottom side of the ski member, as emphasized by the italicized language in the claim above.

The Examiner cites element 30 of Cook as a glide member. However, element 30 of Cook is a moveable prong. The moveable prong 30 is not disposed on the bottom side of the ski body. Rather, the moveable prong 30 is disposed on the top side of the ski body and is then occasionally deployed to project from the bottom of the ski for braking purposes.

As shown in Figure 1 of the Cook reference (which is reproduced below), and as described in the specification of Cook, the moveable prong 30 is connected to a pivotal member 28. Cook, Col. 3, lines 37-38. The pivotal member 28 is secured to the top side of the runner 12 by a bracket 26. Cook, Col. 3, lines 19-24.



The phrase “disposed on” ordinarily means positioned on and, as such, Claim 1 requires the glide member to be positioned on the bottom side of the ski member. In the present application, Applicants’ glide member is positioned on the bottom side of the ski. Cook’s moveable prong 30, however, is not positioned on the bottom side of the ski. Rather, the moveable prong 30 extends from the bracket 26, which is disposed on the *top* of the ski. When

Appl. No. : 10/601,093
Filed : June 20, 2003

actuated, the moveable prong 30 extends through the ski body and ultimately *through* the bottom of the ski to stab into the snow. Accordingly, the moveable prong 30 of Cook is not disposed on the bottom side of the ski; it only temporarily projects from the bottom side of the ski.

As described above, the combination set forth in the Office Action does not contain each and every limitation of Claim 1. Thus, Applicants respectfully submit that Claim 1 is in condition for immediate allowance. Dependent claims 2, 3, 5, 7, and 9-11 depend from independent Claim 1. These claims are allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

Claims 18-22

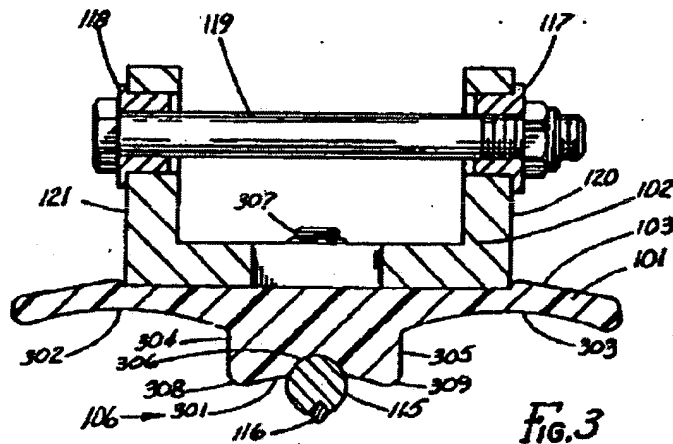
Claim 18 recites:

A snowmobile comprising an engine, a transmission, a drive track, a steering mechanism, and a ski, the ski having a ski body with a generally horizontal bottom surface that contacts snow when the ski is in use, a ski mounting bracket located on a top side of the ski body, the ski mounting bracket defining at least in part a pivot point, a wear bar extending below the bottom surface of the ski body, and *means for preventing at least a portion of the wear bar from entering depressions in a snow surface*, said means being positioned entirely either forward or rearward of the bracket pivot point.

The cited references, either individually or in combination, do not teach or suggest the unique combination of limitations recited by Claim 18. Claim 18 recites, among other things, means for preventing at least a portion of the wear bar from entering depressions in a snow surface, as emphasized by the italicized language above.

The recited function recited by Claim 18 is to prevent a portion of the wear bar from entering depressions in the snow. Applicants' specification explains that traditional snowmobile skis can have a tendency to bite into ruts defined by the snow tracks of other snowmobile skis. U.S. Publication No. 2004/0051275 ("Applicants' Publication"), Paragraphs [0038], [0039], [0044], and [0046]. Providing a means for preventing a portion of the wear bar of the snowmobile ski from entering these predefined ruts and tracks in the snow improves steering and reduces the amount of steering force required to operate the steering assembly of the snowmobile. *Id.*, Paragraph [0038]. As a result, a rider can operate a snowmobile, which has such means, with less fatigue. *Id.*

Cook and Metheny, either individually or in combination, simply do not teach or suggest the recited function of Claim 18. As shown in Figure 3 below, Metheny discloses a wear bar 115 mounted to an under surface 306 of an elongated member 101 of a snowmobile ski. Carbide inserts 116 are attached to the bottom surface of the wear bar 115. The carbide inserts 116 provide a pointed contact surface for reducing friction and wear on the wear bar 115 of the ski. Metheny, Col. 5, lines 9-12. As illustrated in Figure 3, the carbide inserts 116 are very narrow, much narrower than the wear bar 115. As a result, if the ski disclosed in Metheny were to follow a predefined snow track or depression, then the wear bar 115 and the carbide insert 116 would both enter the depression and remain in the depression until the operator applied a significant steering force in order to remove the ski from the preformed depression. Thus, the carbide inserts 116 can not possibly perform the recited function of preventing at least a portion of the wear bar from entering depressions in a snow surface. Moreover, there is no teaching in Metheny that suggests that any part of the disclosed ski prevents at least a portion of the wear bar from entering depressions in a snow surface.



Cook discloses a moveable prong 30, as discussed and illustrated above on page 7. The moveable prongs 30 of Cook do not perform the recited function of preventing at least a portion of the wear bar from entering depressions in a snow surface. The moveable prongs 30 of Cook are “a generally thin, narrow ‘spike’ that stabs into the snow near the pivot point of the ski runner,” Cook, Col. 4, lines 47-52, to apply a braking force. Stabbing into the snow would not prevent a wear bar from entering preformed ruts because the prongs themselves would stab into the ruts in order to slow down the snowmobile. In addition, the “thin” and “narrow” structure of

Appl. No: : 10/601,093
Filed : June 20, 2003

each moveable prong 130 would not provide a structure that is capable of elevating a wear bar disposed on an underside of a snowmobile ski and preventing it from entering depressions in the snow surface. Thus, even assuming *arguendo* that Cook and Metheny can be combined, the moveable prongs 130 can not perform the recited function of preventing at least a portion of the wear bar from entering depressions in a snow surface. Moreover, Cook does not suggest or teach using the prongs 30 to prevent at least a portion of the wear bar from entering depressions in a snow surface.

In view of the absence of disclosure in the applied references of the function recited by Claim 18, Applicants respectfully submit that Claim 18 is in condition for immediate allowance. Dependent claims 19-22 depend from independent Claim 18. These claims are allowable as depending from an allowable base claim, as well as for novel and non-obvious combinations of elements recited therein.

Claims 2 and 19

The Examiner states that “the [moveable prong] of Cook et al. could easily be placed in front of the pivot point without affecting the function of the [moveable prong].” Office Action Mailed January 25, 2006, Page 3. Applicants respectfully disagree with this characterization of Cook set forth in the Office Action.

Cook explicitly teaches away from placing its moveable prong in front of the pivot point. In numerous instances, Cook states that the moveable prong must be located behind the pivot point. For example, Cook states that “[p]referably, the brake has one or more elongated members that extend through and from the bottom of the runners to stab 2-6 inches into the snow/ground, ***provided that*** the center of gravity of the elongated members and their actuating mechanism combined is located near, ***but behind***, the steering pivot point of the ski.” Cook, Abstract (emphasis added); *see also id.* Col. 2, lines 16-24.

Cook provides two reasons that the moveable prong should be located behind, as opposed to in front of, the pivot point of the ski. Cook, Col. 4, lines 32-38. First, handling is improved by placing the moveable prong behind, and relatively close to, the pivot point. *Id.* Second, according to Cook, when the snowmobile is airborne it is necessary to have the moveable prong located behind the pivot point in order to urge the front end of the ski upward to handle the snowmobile properly. *Id.* As a result, from the explicit teachings of Cook, the function of

Appl. No: : **10/601,093**
Filed : **June 20, 2003**

Cook's moveable prong would be significantly impaired by placing it in front of the pivot point of the ski.

Thus, Cook explicitly teaches away from placing its moveable prong in front of the pivot point. Accordingly, Applicants respectfully request that the Examiner remove this rejection and immediately allow Claims 2 and 19 for at least this reason.

Appl. No.: 10/601,093
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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants have not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above. Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine these references, taking into account the disclosure in the applied references that teaches away from the combination made in the pending Office Action.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

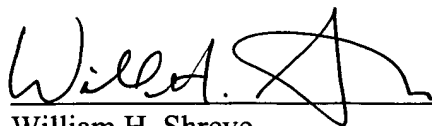
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 25, 2006

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